



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-21-045    **Version:** 1    **Name:** Zoning 21-24  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 7/27/2021    **In control:** City Council  
**On agenda:** 8/24/2021    **Final action:** 8/24/2021  
**Title:** HOLD a public hearing and consider an ordinance requested by Joshua Welch on behalf of EAS Investments (Case #Z21-24) to rezone approximately 92.435 acres out of the V. L. Evans Survey, Abstract 288, from "R-1" (Single-Family Residential District), "R-2" (Two-Family Residential District), "R-3" (Multi-Family Residential District), and "B-5" (Business District) to "R-2" (Two-Family Residential District), "SF-2" (Single-Family Residential District), and "B-5" (Business District). The property is generally located on the south side of East Rancier Avenue, east of the terminus of Sally Ride Lane, Killeen, Texas.  
**Sponsors:** Development Services  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Staff Report, 2. Maps, 3. Minutes, 4. Ordinance, 5. Responses, 6. Considerations, 7. Presentation

Date	Ver.	Action By	Action	Result
8/24/2021	1	City Council	Approved	Pass
8/17/2021	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance requested by Joshua Welch on behalf of EAS Investments (**Case #Z21-24**) to rezone approximately 92.435 acres out of the V. L. Evans Survey, Abstract 288, from "R-1" (Single-Family Residential District), "R-2" (Two-Family Residential District), "R-3" (Multi-Family Residential District), and "B-5" (Business District) to "R-2" (Two-Family Residential District), "SF-2" (Single-Family Residential District), and "B-5" (Business District). The property is generally located on the south side of East Rancier Avenue, east of the terminus of Sally Ride Lane, Killeen, Texas.

**DATE:** August 17, 2021

**TO:** Kent Cagle, City Manager

**FROM:** Tony McIlwain, Exec. Dir. of Development Services

**SUBJECT:** ZONING CASE #Z21-24: From "R-1" (Single-Family Residential District), "R-2" (Two-Family Residential District), "R-3" (Multi-Family Residential District), and "B-5" (Business District) to "R-2" (Two-Family Residential District), "SF-2" (Single-Family Residential District), and "B-5" (Business District)

### **BACKGROUND AND FINDINGS:**

#### **Summary of Request:**

This request, submitted by Joshua Welch on behalf of EAS Investments (**Case #Z21-24**), is to rezone approximately 92.435 acres from "R-1" (Single-Family Residential District), "R-2" (Two-Family Residential District), "R-3" (Multi-Family Residential District), and "B-5" (Business District) to "R-2" (Two-Family

Residential District), "SF-2" (Single-Family Residential District), and "B-5" (Business District).

The applicant has proposed to rezone the property as follows:

- Approximately 34.229 acres to "R-2" (Two-Family Residential);
- Approximately 52.729 acres to "SF-2" (Single-Family Residential); and
- Approximately 5.446 acres of "B-5" (Business District).

### **Zoning / Plat Case History:**

The western portion of the property was annexed into the City on October 9, 1972 via Ordinance No. 72-59. The eastern portion of the property was annexed into the City on May 24, 1994 via Ordinance No. 94-40. On November 8, 2005, approximately 62.66 acres was rezoned from "R-1" (Single Family Residential District) to "R-2" (Two-Family Residential District) and "R-3" (Multi-Family Residential District) via Ordinance No. 05-105. On December 20, 2005, approximately 6.792 acres was rezoned from "R-2" (Two-Family Residential District) to "R-3" (Multi-Family Residential District) via Ordinance No. 05-125. On December 12, 2006, approximately 11.381 acres was rezoned from "R-1" (Single Family Residential District), "R-2" (Two-Family Residential District) and "R-3" (Multi-Family Residential District) to "B-5" (Business District). The property is currently unplatted.

### **Surrounding Land Use and Zoning:**

**North:** Undeveloped property on the opposite side of East Rancier Avenue, which is located outside the City limits

**East:** Undeveloped property zoned "R-1" (Single-Family Residential District)

**South:** Undeveloped property zoned "R-1" (Single-Family Residential District); and an existing auto salvage facility "M-2" (Heavy Manufacturing District)

**West:** Existing single-family and two-family residential subdivision zoned "PUD" (Planned Unit Development) with underlying "R-2" (Two-Family Residential) and "SF-2" (Single-Family Residential) uses; an existing manufactured home park zoned "R-MH" (Residential Mobile Home District); and undeveloped property zoned "R-2" (Two-Family Residential)

### **Future Land Use Map Analysis:**

This property is designated as 'Suburban Residential (SR)' on the Future Land Use Map (FLUM) of the Comprehensive Plan. The current 'Suburban Residential' (SR) designation encourages the following development types:

- Detached residential dwellings;
- Planned developments to provide for other housing types (e.g., townhouse, patio) in a Suburban character setting;
- Public/ institutional; and
- Parks and public spaces.

Staff finds that the zoning request is not consistent with the Future Land Use Map (FLUM) designation. However, a concurrent request to amend the FLUM from a 'Suburban Residential' (SR) designation to a 'General Residential' (GR) designation has been submitted by the applicant.

### **Water, Sewer and Drainage Services**

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and drainage utility service is located within the City of Killeen municipal utility service area and available to the subject tract.

### **Transportation and Thoroughfare Plan:**

Ingress and egress to the property is from Rancier Avenue, which is classified as 120' wide Principal Arterial on the City of Killeen Thoroughfare Plan.

### **Public Notification:**

Staff notified seventy-seven (77) surrounding property owners regarding this request. As of the date of this staff report, staff has received two (2) written responses in support of this request.

Of those property owners notified, thirty-five (35) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and fifteen (15) reside outside of Killeen.

### **Environmental Assessment:**

There are known environmental constraints for this tract. The portions of the eastern side of the tract is located within a FEMA regulatory Special Flood Hazard Area (SFHA) which may include riverine habitat. The National Wetlands Mapper also identifies two freshwater ponds (PUBFh) in the northeastern area of the tract.

At the time of development, the current drainage design manual and infrastructure design and development standards will be applicable to this site. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for the subject property, shall coordinate tie-in to all publicly dedicated infrastructure with the Public Works Department.

### **Staff Findings:**

The subject property is bounded on the west by an existing mobile home park and a new residential development that includes single-family homes on 50-foot lots and two-family homes. The property is bounded on the south by an existing auto salvage yard.

Based on the adjacent land uses and current zoning in this area, staff is of the determination that this area is not well suited to large single-family lots. Rather, staff finds that the property is better suited to a mix of smaller single-family lots and two-family dwellings. Staff finds that the proposed zoning districts are compatible with the existing land uses in the vicinity and are appropriate in this location.

Additionally, portions of the property are currently zoned "R-3" (Multi-Family Residential District), which allows for multifamily dwellings (i.e. triplexes, quadplexes, and apartments). Staff finds that the applicant's requested zoning will result in a density that is similar or less than the density that is permitted by the current zoning designations of the property.

Further, staff finds that the applicant's request to modify the zoning districts in this area will encourage new investment in North Killeen.

### **THE ALTERNATIVES CONSIDERED:**

The City Council has three (3) alternatives. The Council may:

- Disapprove the applicant's request;
- Approve a more restrictive zoning district than requested by the applicant; or
- Approve the applicant's request as presented.

### **Which alternative is recommended?**

Staff recommends approval of the applicant's request as presented.

### **Why?**

Staff finds that the applicant's proposed zoning request is consistent with the surrounding property uses and is compatible with the existing land uses and prevailing community character.

### **CONFORMITY TO CITY POLICY:**

This zoning request conforms to the City's policy and procedures as detailed in Chapter 31 of the City of Killeen Code of Ordinances.

### **FINANCIAL IMPACT:**

#### **What is the amount of the expenditure in the current fiscal year? For future years?**

This zoning request does not involve the expenditure of City funds. However, long-term maintenance of all proposed municipal infrastructure will be the City's responsibility.

#### **Is this a one-time or recurring expenditure?**

This is not applicable.

#### **Is this expenditure budgeted?**

This is not applicable.

#### **If not, where will the money come from?**

This is not applicable.

#### **Is there a sufficient amount in the budgeted line-item for this expenditure?**

This is not applicable.

### **RECOMMENDATION:**

At their regular meeting on August 2, 2021, the Planning & Zoning Commission recommended approval of the applicant's request to rezone the property from "R-1" (Single-Family Residential District), "R-2" (Two-Family Residential District), "R-3" (Multi-Family Residential District), and "B-5" (Business District) to "R-2" (Two-Family Residential District), "SF-2" (Single-Family Residential District), and "B-5" (Business District) by a vote of 5 to 0.

### **DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Planning and Legal staff.

### **ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
Responses

## Considerations